

Effective 5/13/2014

17B-1-306 Local district board -- Election procedures.

- (1) Except as provided in Subsection (11), each elected board member shall be selected as provided in this section.
- (2)
 - (a) Each election of a local district board member shall be held:
 - (i) at the same time as the municipal general election or the regular general election, as applicable; and
 - (ii) at polling places designated by the local district board in consultation with the county clerk for each county in which the local district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.
 - (b) The local district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.
 - (c)
 - (i) Subject to Subsections (4)(f) and (g), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.
 - (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).
- (3)
 - (a) The clerk of each local district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:
 - (i) each elective position of the local district to be filled at the next municipal general election or regular general election, as applicable;
 - (ii) the constitutional and statutory qualifications for each position; and
 - (iii) the dates and times for filing a declaration of candidacy.
 - (b) The notice required under Subsection (3)(a) shall be:
 - (i) posted in at least five public places within the local district at least 10 days before the first day for filing a declaration of candidacy; or
 - (ii)
 - (A) published in a newspaper of general circulation within the local district at least three but no more than 10 days before the first day for filing a declaration of candidacy; and
 - (B) published, in accordance with Section 45-1-101, for 10 days before the first day for filing a declaration of candidacy.
- (4)
 - (a) To become a candidate for an elective local district board position, the prospective candidate shall file a declaration of candidacy in person with the local district, during office hours, within the candidate filing period for the applicable election year in which the election for the local district board is held.
 - (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.
 - (c)
 - (i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:
 - (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
 - (B) require the candidate to state whether or not the candidate meets those requirements.

- (ii) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy.
- (iii) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy.
- (d) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, State of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name of the local district); that I am a candidate for that office to be voted upon at the next election, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, _____.

(Signed) _____

(Clerk or Notary Public)"
- (e) Each person wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.
- (f) If at least one person does not file a declaration of candidacy as required by this section, a person shall be appointed to fill that board position by following the procedures and requirements for appointment established in Section 20A-1-512.
- (g) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:
 - (i) consider the candidate to be elected to the position; and
 - (ii) cancel the election.
- (5)
 - (a) A primary election may be held if:
 - (i) the election is authorized by the local district board; and
 - (ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.
 - (b) The primary election shall be conducted:
 - (i) on the same date as the municipal primary election or the regular primary election, as applicable; and
 - (ii) according to the procedures for primary elections provided under Title 20A, Election Code.
- (6)
 - (a) Except as provided in Subsection (6)(c), within one business day after the deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate names to the clerk of each county in which the local district is located.
 - (b)
 - (i) Except as provided in Subsection (6)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located and the local district clerk shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the ballot with the appropriate election officer.
 - (ii) If consolidation of the local district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the local district board of trustees, in consultation with the county clerk, shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2).

- (c)
 - (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
 - (ii)
 - (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.
 - (B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.
 - (C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.
- (7)
 - (a) Each voter at an election for a board of trustees member of a local district shall:
 - (i) be a registered voter within the district, except for an election of:
 - (A) an irrigation district board of trustees member; or
 - (B) a basic local district board of trustees member who is elected by property owners; and
 - (ii) meet the requirements to vote established by the district.
 - (b) Each voter may vote for as many candidates as there are offices to be filled.
 - (c) The candidates who receive the highest number of votes are elected.
- (8) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.
- (9)
 - (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a local district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.
 - (b) A person elected shall be sworn in as soon as practical after January 1.
- (10)
 - (a) Except as provided in Subsection (10)(b), each local district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that local district.
 - (b) Each irrigation district shall bear its own costs of each election it holds under this section.
- (11) This section does not apply to an improvement district that provides electric or gas service.
- (12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.
- (13)
 - (a) As used in this Subsection (13), "board" means:
 - (i) a local district board; or
 - (ii) the administrative control board of a special service district that has elected members on the board.
 - (b) A board may hold elections for membership on the board at a regular general election instead of a municipal general election if the board submits an application to the lieutenant governor that:
 - (i) requests permission to hold elections for membership on the board at a regular general election instead of a municipal general election; and
 - (ii) indicates that holding elections at the time of the regular general election is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason.
 - (c) Upon receipt of an application described in Subsection (13)(b), the lieutenant governor may approve the application if the lieutenant governor concludes that holding the elections at the regular general election is beneficial based on the criteria described in Subsection (13)(b)(ii).

- (d) If the lieutenant governor approves a board's application described in this section:
 - (i) all future elections for membership on the board shall be held at the time of the regular general election; and
 - (ii) the board may not hold elections at the time of a municipal general election unless the board receives permission from the lieutenant governor to hold all future elections for membership on the board at a municipal general election instead of a regular general election, under the same procedure, and by applying the same criteria, described in this Subsection (13).

Amended by Chapter 362, 2014 General Session

Amended by Chapter 377, 2014 General Session